IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

CRP.No. 533 of 2002(G)

(AGAINST THE ORDER DATED 26/07/2001 MADE IN LB.629/1973 ON THE FILE OF THE TALUK LAND BOARD, PALAKKAD-ORDER SERVED ON 2/2/2002)

.....

REVN. PETITIONER: DECLARANT:

P.M.NARAYANAN NAMBOODIRIPAD,
S/O.NEELAKANDAN NAMBOODIRIPAD, RESIDING AT POOMULLI MANA, PERINGODE P.O., OTTAPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.V.CHITAMBARESH
SRI.KRISHNA PRASAD. S

RESPONDENTS: RESPONDENTS:

----

1. **THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE TALUK LAND BOARD, PALAKKAD, REPRESENTED BY ITS CHAIRMAN.**

3. **THE TAHSILDAR, PALAKKAD TALUK.**

BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA for R1 to R3

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P.NO.1318/2002 IN C.R.P.NO.533/2002

DISMISSED

13/07/2007 **SD/- PIUS C. KURIAKOSE, JUDGE**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE,J.

- -

C.R.P. No.533 of 2002

- -

Dated: 13th July, 2007

ORDER

The grounds seriously raised is regarding the extent of 2.55 acres of land in Survey No.49/3A of Mundur I Village belonging to the petitioner-declarant. Referring to the schedule of the partition deed No.819/58 Mr.V.Chitambaresh, learned counsel for the petitioner submits that going by the partition deed the total extent which the petitioner was having in the above survey number is only 2.30 acres. Referring to page No.5 of the impugned order the learned counsel submits that it has been found by the Taluk Land Board itself relying on a report of the authorised officer that an extent of 2.30 acres in survey No.49/3A was not in the possession of the assessee and was in the possession of others and on that reason excluded it be from the account of the petitioner.

2. Mr.Shyson P.Manguzha, learned Government Pleader would submit that the report of the authorised officer was regarding 2.30 acres only and no document at all was produced by the petitioner before the Taluk Land Board to show that (4.55 - 2.30) 2.25 acres is in the possession of any stranger. Mr.Chitambaresh would respond to the above submission by making available before me a copy of the

partition deed. According to him, the certified copy of the partition deed was produced before the Taluk Land Board itself. But unfortunately the Taluk Land Board has not looked into the partition deed. The records reveal that an incomplete copy of the partition deed was produced by the petitioner. Going by the partition deed the declarant has been allotted only a total extent of 2.30 acres in that particular survey number. Under these circumstances, the direction of the Taluk Land Board to the petitioner to surrender 2.55 acres since in this survey number is bad. I set aside the impugned order and direct the Taluk Land Board to take a fresh decision in the matter. The petitioner will produce certified copy of the partition deed in question and the Taluk Land Board will take a fresh decision on the issue. While taking fresh decision the Taluk Land Board shall verify on the basis of the authorised officer's report and also on the basis of whatever evidence is produced by the petitioner as to what exactly is the extent of land actually included in the account of the petitioner in the particular survey number.

The C.R.P. is disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**